

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EMANUEL STRONG,

Plaintiff,

- against -

THE CITY OF NEW YORK, et al.,

Defendants.  
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24 Civ. 2315 (JPC) (GS)

ORDER

**GARY STEIN, United States Magistrate Judge:**

Plaintiff, proceeding *pro se*, initiated this action on March 27, 2024 by filing his Complaint. (Dkt. No. 1). Plaintiff alleges, *inter alia*, that while he was employed as a correction officer by the New York City Department of Correction (“DOC”) he was assaulted by inmates in December 2020 and April 2023 and suffered various injuries. (*Id.* ¶¶ 1–2, 20–50). Plaintiff alleges that he was denied timely workers’ compensation and reasonable accommodations at work for his injuries and, overall, was subject to “maltreatment, discriminatory and retaliatory actions.” (*Id.* ¶ 1, 23–37). Plaintiff asserts causes of action under the Americans with Disabilities Act and the New York State Civil Service Law, in addition to several common law claims. (*Id.* ¶¶ 53–67).

In his Complaint Plaintiff named the City of New York and six individuals at the DOC as Defendants. (*Id.* at 1). On July 16, 2024, before Defendants had answered or responded to his Complaint, Plaintiff submitted a motion to add two individual defendants, Lynelle Maginley-Liddie and Solange Grey, the current DOC Commissioner and Deputy Commissioner of Trials, respectively. (Dkt. No. 16). Thereafter, without any intervening submissions from Defendants

or direction from the Court, Plaintiff filed an “amended complaint” on July 26, 2024. (Dkt. No. 17). In addition to adding Maginley-Liddie and Grey as defendants, the purported amended complaint adds 15 new causes of action and is over double the length of Plaintiff’s initial Complaint. (*See generally id.*).

On August 16, 2024, again without any intervening submissions from Defendants or direction from the Court, Plaintiff submitted a motion for leave to amend his complaint for a second time and attached a proposed complaint. (Dkt. No. 19). In this submission, Plaintiff again requests to add Maginley-Liddie and Grey as defendants, but also requests to add a third defendant, Louis A. Molina, a former DOC Commissioner. (*Id.* at 3). Plaintiff, in addition, seeks to change the capacity in which he sues the individual Defendants, correct misstatements of fact, and bolster his factual allegations overall. (*Id.* at 3–4).

On August 19, 2024, counsel for Defendants filed a letter motion for an extension of time to respond to Plaintiff’s (purported) first amended complaint. (Dkt. No. 20). The letter does not mention Plaintiff’s August 16 motion to file a second amended complaint.<sup>1</sup> While it appears Defendants may have implicitly consented to Plaintiff filing the first amended complaint, it is evident that Plaintiff now seeks to file the proposed complaint attached to his August 16 motion as the operative complaint.

Accordingly, based on the state of affairs described above:

1. Plaintiff’s July 16 motion to add Maginley-Liddie and Grey as defendants (Dkt. No. 16) is **DENIED** as moot;
2. The Clerk is respectfully directed to **STRIKE** Plaintiff’s amended complaint at Docket No. 17;

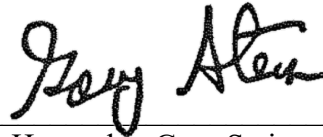
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<sup>1</sup> Plaintiff’s August 16 motion appears to not have been entered on the docket until August 19, 2024, which may explain the omission in Defendants’ letter.

3. Defendants' August 19 letter-motion for an extension of time to answer or otherwise respond to Plaintiff's amended complaint (Dkt. No. 20) is **DENIED** as moot; and
4. Defendants are directed to inform the Court as to whether they consent to Plaintiff filing the amended complaint attached to his August 16, 2024 motion (Dkt. No. 19) by no later than **August 29, 2024**. If Defendants do not consent, they may propose a deadline to submit a brief in opposition to Plaintiff's motion.

**SO ORDERED.**

DATED: New York, New York  
August 22, 2024

A handwritten signature in black ink, appearing to read "Gary Stein", is written over a horizontal line.

The Honorable Gary Stein  
United States Magistrate Judge